

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LIONEL OHAYON,

Plaintiff,

-against-

SUMMIT MOUNTAIN HOLDING GROUP, L.L.C.,
SUMMIT EDEN RESORT LLC, and SUMMIT EDEN
COMMUNITY LLC,

Defendants.
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: Index No. 21-cv-3689 (ALC)
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: **AFFIRMATION IN SUPPORT**
: **OF REQUEST FOR**
: **CERTIFICATE**
: **OF DEFAULT**
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Rosemary Halligan an attorney duly admitted to practice law in the State of New York, affirms the following under penalty of perjury:

1. I am a member of Stern, Tannenbaum & Bell LLP, counsel for the plaintiff Lionel Ohayon (“Plaintiff”) in this action. I make this affirmation on my personal knowledge based on my representation of Plaintiff in this action and based on my review of the file maintained by the firm and the documents filed on the Court’s electronic docket.

2. This action was commenced pursuant to the filing of a Summons and Complaint on April 26, 2021.

3. The Summons and Complaint were properly served on defendants, Summit Mountain Holding Group, L.L.C., Summit Eden Resort LLC, and Summit Eden Community LLC (all three defendants collectively, “Defendants”) on May 1, 2021 by service on Art Hopson at 3923 North Wolf Creek Drive, Eden, Utah 84310, a place of business for Defendants. (Doc. # 6.)

4. Further, pursuant to stipulation of the parties dated May 21, 2021, Defendants

waived any defenses based upon improper service of process. (Doc # 7.)

5. The time for Defendants to answer or otherwise move with respect to the complaint was extended by So Ordered stipulations of the parties and expired on December 10, 2021. (See Doc. # 16.)

6. Defendants have not answered or otherwise moved with respect to the Complaint, and the time for Defendants to answer or otherwise move has not been extended further.

7. Defendants are not an infant or incompetent. Defendants are not presently in the military service of the United States as appears from facts in this litigation.

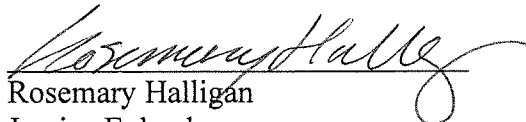
WHEREFORE, Plaintiff, Lionel Ohayon requests that the default of Defendants, Summit Mountain Holding Group, L.L.C., Summit Eden Resort LLC, and Summit Eden Community LLC be noted, and a certificate of default issued.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief, that the amount claimed is justly due to Plaintiff, and that no part thereof has been paid.

Dated: New York, New York
January 6, 2022

STERN TANNENBAUM & BELL LLP

By:



Rosemary Halligan
Jessica Eyland

380 Lexington Avenue
New York, New York 10168
(212) 792-8484
Attorneys for Plaintiff

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Defendants.
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: **21 Civ. 3689 (ALC)**
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: **CLERK'S CERTIFICATE**
: **OF DEFAULT**
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I, RUBY J. KRAJICK, Clerk of the United States District Court for
the Southern District of New York, do hereby certify that this action was commenced on
April 26, 2021 with the filing of a summons and complaint, a copy of the summons and
complaint was served on defendants(s) Summit Mountain Holding Group, L.L.C.,
Summit Eden Resort LLC, and Summit Eden Community LLC (all three defendants collectively, the
“Defendants”) by personally serving Art Hopson at 3923 North Wolf Creek Drive, Eden, UT 84310
and proof of service was therefore filed on May 24, 2021. (Doc. # 6.)

Pursuant to stipulation of the parties dated May 21, 2021, Defendants waived any defenses
based upon improper service of process. (Doc # 8.)

The time to answer or otherwise respond to the complaint was extended by So Ordered
stipulations to December 10, 2021 (Doc. #s 8, 10, 12, 14, and 16.)

I further certify that the docket entries indicate that the Defendants have not filed an
answer or otherwise moved with respect to the complaint herein. The default of the
Defendants is hereby noted.

Dated: New York, New York

January __, 2022

RUBY J. KRAJICK
Clerk of Court

By: _____
Deputy Clerk